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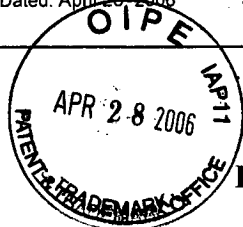
Dated: April 28, 2006

Signature:

Georgina Matos
(Georgina Matos)

Docket No.: 559692000100
(PATENT)

Client Reference No.: FP03005US-H



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Yukio YAMASAKI et al.

Application No.: 10/769,244

Confirmation No.: 8172

Filed: January 30, 2004

Art Unit: 2828

For: SEMICONDUCTOR LASER ELEMENT AND
OPTICAL DATA RECORDING DEVICE

Examiner: D. Nguyen

**FIRST PRELIMINARY AMENDMENT AND
RESPONSE TO ELECTION OF SPECIES REQUIREMENT**

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

Prior to examination on the merits, Applicant respectfully requests entry on this Preliminary Amendment for the above-captioned patent application. In response to the election of species requirement set forth in the Office Action mailed February 28, 2006 (Paper No. 20060217): Filed herewith is a Petition and fee for a one month(s) extension of time, thereby extending the deadline for response to April 28, 2006. Accordingly, this response is timely filed. Applicant hereby provisionally elects the species disclosed in claims 1, 3-7, 13-18, 25-28, 33 and 35-36 with traverse, for prosecution on its merits.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 14 of this paper.